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FROM: Alan S. Hodes**DATE:** August 23, 2004

Number of pages with cover page: 4

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Comments:

Comments: RESPONSE TO RESTRICTION REQUIREMENT

DOCKET NO.: 245402007700

GROUP ART UNIT: 2826

EXAMINER: V. Mandala, Jr.

SERIAL NO.: 10/699,553

FILING DATE: October 31, 2003

INVENTOR(S): Taiji MORIMOTO et al.

TITLE: SEMICONDUCTOR LASER DEVICE AND METHOD OF FABRICATING THE SAME

Papers attached:

1. Transmittal (1 page)
2. Response To Restriction Requirement (2 pages)

PA-913282

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

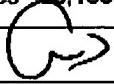
(to be used for all correspondence after initial filing)

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|--|---|------------------------|------------------|
| | | Application Number | 10/699,553 |
| | | Filing Date | October 31, 2003 |
| | | First Named Inventor | Taiji MORIMOTO |
| | | Art Unit | 2826 |
| | | Examiner Name | V. Mandala Jr. |
| Total Number of Pages In This Submission | 3 | Attorney Docket Number | 245402007700 |

ENCLOSURES (Check all that apply)

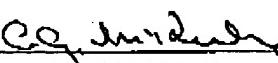
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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply (2 pages) | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet |
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| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | MORRISON & FOERSTER LLP (Customer No. 25226) Alan S. Hodes - 38,185 |
| Signature |  |
| Date | August 23, 2004 |

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Signature:  (Carolyn G. McKubre)

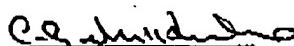
pa-913264

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Signature:


(Carolyn G. McKubre)

OFFICIAL

Docket No. 245402007700
Client Ref.: 903192-01(NA/yu)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Taiji MORIMOTO et al.

Application No.: 10/699,553**Confirmation No.: 3605****Filed: October 31, 2003****Art Unit: 2826**

**For: SEMICONDUCTOR LASER DEVICE AND
METHOD OF FABRICATING THE SAME**

Examiner: V. Mandala Jr.

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed July 23, 2004 (Paper No. 20040721), Applicant hereby provisionally elects claims 5-19 (Group II), for continued examination.

The Examiner has required restriction between:

- I. Claims 1-4, drawn to a semiconductor laser, classified in class 257, subclass 102.
- II. Claims 5-19, drawn to a method of fabricating a semiconductor laser, classified in class 438, subclass 22.

Applicant reserves the right to amend the application to include a generic claim.

pa-913263

Application No.: 10/699,553

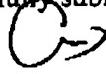
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Docket No.: 245402007700

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing (245402007700). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 23, 2004

Respectfully submitted,

By 

Alan S. Hodes

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pa-913263